

New York State Department of Environmental Conservation

Spill Prevention and Response, Region 7

615 Erie Boulevard West, Syracuse, New York 13204-2400

Phone: (315) 426-7519 • **Fax:** (315) 426-2653

Website: www.dec.ny.gov



Joe Martens
Commissioner

August 16, 2013

Mr. Robert Trafford
ONX1, LLC
P.O. Box 14848
Fort Lauderdale, Florida 33302

Re: Spill Nos.: 12-09735 & 12-15916

Spill Site: Magna Facility, 6600 New Venture Gear Dr., Dewitt, NY

Dear Mr. Trafford:

On April 25, 2013, Mr. Frank Bifera of Hiscock & Barclay sent correspondence to Mr. Joseph Sluzar, DEC Region 7 Regional Attorney, requesting that the NYS Department of Environmental Conservation (the Department) issue a no further action letter for Spill No. 12-09735.

The Department has reviewed a Phase IIA Environmental Site Assessment by TTL dated January 4, 2013. Data submitted on April 25, 2013 by Hiscock & Barclay, including analytical summary tables, identified six areas of concern. After reviewing all of the data submitted for Spill No. 12-09735 the Department has determined no further remedial activities are necessary.

The Department has also reviewed the Phase II Environmental Site Assessment dated December 3, 2012 prepared by TTL. This report identified impacted soil in PH-3, which was a sample collected from the lower pond. New Process Gear has requested to relinquish its SPDES Permit. As part of that process, it has agreed to a sampling plan of the sediments in the lower pond. Any findings which trigger a requirement of remediation will be further addressed by the Department.

After numerous site inspections and discussions with the Division of Water, the Department will also close Spill No. 12-15916.

Mr. Robert Trafford


Page 2

August 16, 2013

Nothing contained herein shall be construed as barring, diminishing, or in any way limiting the Department's authority under the Navigation Law or the Environmental Conservation Law, including the authority to require additional remedial work, if necessary. This reservation of rights applies to the described spills, sediments in the lower pond and any other condition at the above described site.

Should you have any questions concerning this matter, please contact Richard Brazell at (315) 426-7523

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard J. Brazell", written in a cursive style.

Richard J. Brazell, P.E.
Regional Spill Engineer